

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TIFFANY WELLS,

Plaintiff,

vs.

CREDIT PROTECTION ASSOCIATION,

Defendants.

CASE NO. 11CV0640-LAB (NLS)

**ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS**

AND

**DIRECTING U.S. MARSHAL
TO EFFECT SERVICE OF
PROCESS PURSUANT TO
28 U.S.C. § 1915(d) AND
Fed. R. Civ. P. 4(c)(3)**

Plaintiff Tiffany Wells, a nonprisoner proceeding pro se, has submitted a complaint pursuant to the Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.* She has not paid the \$350 civil filing fee required to commence this action and instead has filed a Motion to Proceed In Forma Pauperis pursuant to 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(a), a court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of assets, showing that she is unable to pay filing fees. Plaintiff has submitted an affidavit which sufficiently shows that she lacks the financial resources to pay filing fees.

Moreover, any complaint filed pursuant to the IFP provisions of 28 U.S.C. § 1915(a) is subject to a mandatory and sua sponte review by the Court—and a dismissal is warranted

1 if the Court finds the complaint is "frivolous, malicious, fail[s] to state a claim upon which
2 relief may be granted, or seek[s] monetary relief from a defendant immune from such relief."
3 28 U.S.C. § 1915(e)(2)(B). *See also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001)
4 ("[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.").

5 Here, however, the Court, having conducted its initial review of Plaintiff's complaint,
6 finds it sufficient to survive the sua sponte screening provisions of § 1915(e)(2).

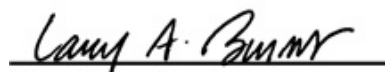
7 Accordingly, the Court hereby GRANTS Plaintiff's Motion to Proceed In Forma
8 Pauperis and ORDERS as follows:

9 1. The United States Marshal shall serve a copy of the Complaint, summons and
10 this Order granting Plaintiff leave to proceed In Forma Pauperis upon Defendant Credit
11 Protection Association as directed by Plaintiff on U.S. Marshal Form 285. All costs of service
12 shall be advanced by the United States.

13 2. Plaintiff shall serve upon Defendant or, if appearance has been entered by
14 counsel, upon Defendant's counsel, a copy of every further pleading or other document
15 submitted for consideration of the Court. Plaintiff shall include with the original paper to be
16 filed with the Clerk of the Court a certificate stating the manner in which a true and correct
17 copy of any document was served on the defendants or counsel of defendants and the date
18 of service. Any paper received by a district judge or magistrate judge which has not been
19 filed with the Clerk or which fails to include a Certificate of Service will be disregarded.

20 **IT IS SO ORDERED.**

21 DATED: November 28, 2011

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23 **HONORABLE LARRY ALAN BURNS**
24 United States District Judge
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